



Rep. John E. Bradley

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LRB095 17514 MJR 50033 a

1 AMENDMENT TO HOUSE BILL 5576

2 AMENDMENT NO. _____. Amend House Bill 5576, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Public Utilities Act is amended by changing
6 Section 16-125 as follows:

7 (220 ILCS 5/16-125)

8 Sec. 16-125. Transmission and distribution reliability
9 requirements.

10 (a) To assure the reliable delivery of electricity to all
11 customers in this State and the effective implementation of the
12 provisions of this Article, the Commission shall, within 180
13 days of the effective date of this Article, adopt rules and
14 regulations for assessing and assuring the reliability of the
15 transmission and distribution systems and facilities that are
16 under the Commission's jurisdiction.

1 (b) These rules and regulations shall require each electric
2 utility or alternative retail electric supplier owning,
3 controlling, or operating transmission and distribution
4 facilities and equipment subject to the Commission's
5 jurisdiction, referred to in this Section as "jurisdictional
6 entities", to adopt and implement procedures for restoring
7 transmission and distribution services to customers after
8 transmission or distribution outages on a nondiscriminatory
9 basis without regard to whether a customer has chosen the
10 electric utility, an affiliate of the electric utility, or
11 another entity as its provider of electric power and energy.
12 These rules and regulations shall also, at a minimum,
13 specifically require each jurisdictional entity to submit
14 annually to the Commission.

15 (1) the number and duration of planned and unplanned
16 outages during the prior year and their impacts on
17 customers;

18 (2) outages that were controllable and outages that
19 were exacerbated in scope or duration by the condition of
20 facilities, equipment or premises or by the actions or
21 inactions of operating personnel or agents;

22 (3) customer service interruptions that were due
23 solely to the actions or inactions of an alternative retail
24 electric supplier or a public utility in supplying power or
25 energy;

26 (4) a detailed report of the age, current condition,

1 reliability and performance of the jurisdictional entity's
2 existing transmission and distribution facilities, which
3 shall include, without limitation, the following data:

4 (i) a summary of the jurisdictional entity's
5 outages and voltage variances reportable under the
6 Commission's rules;

7 (ii) the jurisdictional entity's expenditures for
8 transmission construction and maintenance, the ratio
9 of those expenditures to the jurisdictional entity's
10 transmission investment, and the average remaining
11 depreciation lives of the entity's transmission
12 facilities, expressed as a percentage of total
13 depreciation lives;

14 (iii) the jurisdictional entity's expenditures for
15 distribution construction and maintenance, the ratio
16 of those expenditures to the jurisdictional entity's
17 distribution investment, and the average remaining
18 depreciation lives of the entity's distribution
19 facilities, expressed as a percentage of total
20 depreciation lives;

21 (iv) a customer satisfaction survey covering,
22 among other areas identified in Commission rules,
23 reliability, customer service, and understandability
24 of the jurisdictional entity's services and prices;
25 and

26 (v) the corresponding information, in the same

1 format, for the previous 3 years, if available;

2 (5) a plan for future investment and reliability
3 improvements for the jurisdictional entity's transmission
4 and distribution facilities that will ensure continued
5 reliable delivery of energy to customers and provide the
6 delivery reliability needed for fair and open competition;
7 and

8 (6) a report of the jurisdictional entity's
9 implementation of its plan filed pursuant to subparagraph
10 (5) for the previous reporting period.

11 (c) The Commission rules shall set forth the criteria that
12 will be used to assess each jurisdictional entity's annual
13 report and evaluate its reliability performance. Such criteria
14 must take into account, at a minimum: the items required to be
15 reported in subsection (b); the relevant characteristics of the
16 area served; the age and condition of the system's equipment
17 and facilities; good engineering practices; the costs of
18 potential actions; and the benefits of avoiding the risks of
19 service disruption.

20 (d) At least every 3 years, beginning in the year the
21 Commission issues the rules required by subsection (a) or the
22 following year if the rules are issued after June 1, the
23 Commission shall assess the annual report of each
24 jurisdictional entity and evaluate its reliability
25 performance. The Commission's evaluation shall include
26 specific identification of, and recommendations concerning,

1 any potential reliability problems that it has identified as a
2 result of its evaluation.

3 (e) In the event that more than either (i) 30,000 customers
4 or (ii) 0.8% of the total customers of an electric utility are
5 subjected to a continuous power interruption of 4 hours or more
6 that results in the transmission of power at less than 50% of
7 the standard voltage, or that results in the total loss of
8 power transmission, the utility shall be responsible for
9 compensating customers affected by that interruption for 4
10 hours or more for all actual damages, which shall not include
11 consequential damages, suffered as a result of the power
12 interruption. The utility shall also reimburse the affected
13 municipality, county, or other unit of local government in
14 which the power interruption has taken place for all emergency
15 and contingency expenses incurred by the unit of local
16 government as a result of the interruption. A waiver of the
17 requirements of this subsection may be granted by the
18 Commission in instances in which the utility can show that the
19 power interruption was a result of any one or more of the
20 following causes:

21 (1) Unpreventable damage due to weather events or
22 conditions.

23 (2) Customer tampering.

24 (3) Unpreventable damage due to civil or international
25 unrest or animals.

26 (4) Damage to utility equipment or other actions by a

1 party other than the utility, its employees, agents, or
2 contractors.

3 Loss of revenue and expenses incurred in complying with this
4 subsection may not be recovered from ratepayers.

5 (f) In the event of a power surge or other fluctuation that
6 causes damage and affects more than either (i) 30,000 customers
7 or (ii) 0.8% of the total customers, the electric utility shall
8 pay to affected customers the replacement value of all goods
9 damaged as a result of the power surge or other fluctuation
10 unless the utility can show that the power surge or other
11 fluctuation was due to one or more of the following causes:

12 (1) Unpreventable damage due to weather events or
13 conditions.

14 (2) Customer tampering.

15 (3) Unpreventable damage due to civil or international
16 unrest or animals.

17 (4) Damage to utility equipment or other actions by a
18 party other than the utility, its employees, agents, or
19 contractors.

20 Loss of revenue and expenses incurred in complying with this
21 subsection may not be recovered from ratepayers. Customers with
22 respect to whom a waiver has been granted by the Commission
23 pursuant to subparagraphs (1)-(4) of subsections (e) and (f)
24 shall not count toward the either (i) 30,000 customers or (ii)
25 0.8% of the total customers required therein.

26 (g) Whenever an electric utility must perform planned or

1 routine maintenance or repairs on its equipment that will
2 result in transmission of power at less than 50% of the
3 standard voltage, loss of power, or power fluctuation (as
4 defined in subsection (f)), the utility shall make reasonable
5 efforts to notify potentially affected customers no less than
6 24 hours in advance of performance of the repairs or
7 maintenance.

8 (h) Remedies provided for under this Section may be sought
9 exclusively through the Illinois Commerce Commission as
10 provided under Section 10-109 of this Act. Damages awarded
11 under this Section for a power interruption shall be limited to
12 actual damages, which shall not include consequential damages,
13 and litigation costs. A utility's request for a waiver of this
14 Section shall be timely if tiled no later than 30 days after
15 the date on which a claim is filed with the Commission seeking
16 damages or expense reimbursement under this Section. If no
17 claims are pending at the expiration of the 30 days, then the
18 utility need not file the request for waiver until 30 days
19 after an additional claim is filed with the Commission. No
20 utility shall be liable under this Section while a request for
21 waiver is pending. Damage awards may not be paid out of utility
22 rate funds.

23 (i) The provisions of this Section shall not in any way
24 diminish or replace other civil or administrative remedies
25 available to a customer or a class of customers.

26 (j) The Commission shall by rule require an electric

1 utility to maintain service records detailing information on
2 each instance of transmission of power at less than 50% of the
3 standard voltage, loss of power, or power fluctuation (as
4 defined in subsection (f)), that affects 10 or more customers.
5 Occurrences that are momentary shall not be required to be
6 recorded or reported. The service record shall include, for
7 each occurrence, the following information:

8 (1) The date.

9 (2) The time of occurrence.

10 (3) The duration of the incident.

11 (4) The number of customers affected.

12 (5) A description of the cause.

13 (6) The geographic area affected.

14 (7) The specific equipment involved in the fluctuation
15 or interruption.

16 (8) A description of measures taken to restore service.

17 (9) A description of measures taken to remedy the cause
18 of the power interruption or fluctuation.

19 (10) A description of measures taken to prevent future
20 occurrence.

21 (11) The amount of remuneration, if any, paid to
22 affected customers.

23 (12) A statement of whether the fixed charge was waived
24 for affected customers.

25 Copies of the records containing this information shall be
26 available for public inspection at the utility's offices, and

1 copies thereof may be obtained upon payment of a fee not
2 exceeding the reasonable cost of reproduction. A copy of each
3 record shall be filed with the Commission and shall be
4 available for public inspection. Copies of the records may be
5 obtained upon payment of a fee not exceeding the reasonable
6 cost of reproduction.

7 (k) The requirements of subsections (e) through (j) of this
8 Section shall apply only to an electric public utility having
9 100,000 ~~1,000,000~~ or more customers.

10 (l) Notwithstanding any other rulemaking authority that
11 may exist, neither the Governor nor any agency or agency head
12 under the jurisdiction of the Governor has any authority to
13 make or promulgate rules to implement or enforce the provisions
14 of this amendatory Act of the 95th General Assembly. If,
15 however, the Governor believes that rules are necessary to
16 implement or enforce the provisions of this amendatory Act of
17 the 95th General Assembly, the Governor may suggest rules to
18 the General Assembly by filing them with the Clerk of the House
19 and the Secretary of the Senate and by requesting that the
20 General Assembly authorize such rulemaking by law, enact those
21 suggested rules into law, or take any other appropriate action
22 in the General Assembly's discretion. Nothing contained in this
23 amendatory Act of the 95th General Assembly shall be
24 interpreted to grant rulemaking authority under any other
25 Illinois statute where such authority is not otherwise
26 explicitly given. For the purposes of this amendatory Act of

1 the 95th General Assembly, "rules" is given the meaning
2 contained in Section 1-70 of the Illinois Administrative
3 Procedure Act, and "agency" and "agency head" are given the
4 meanings contained in Sections 1-20 and 1-25 of the Illinois
5 Administrative Procedure Act to the extent that such
6 definitions apply to agencies or agency heads under the
7 jurisdiction of the Governor.

8 (Source: P.A. 90-561, eff. 12-16-97.)

9 Section 99. Effective date. This Act takes effect upon
10 becoming law."